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MADRAS. SATURDAY, SEPTEMBER 23, 1939

LOCAL ADMINISTRATION DEPARTMENT.

Appointments to the posts for the conduct of
elections of municipal committees and members
to local boards.

Fort St. George, September 23, 1939
(S.O. No. 2009, L.A.I.)

No. 100.

In pursuance of the powers conferred by division
(b) and (c) of sub-rule (1) of section 302 of the
Madras District Municipalities Act, 1920 (Madras
Act V of 1920), this Government the Governor of
Madras is hereby pleased to make the following
appointments in the order for the conduct of elections
of municipal committees published with Local Self-
Government Department Notification No. 1057, dated
the 21st July 1939, at pages 251 to 253, of Part
3-A of the Fort St. George Gazette, dated the 21st
July 1939, as subsequently amended:—

AMENDMENTS.

In the said rules—

(1) In sub-rule (1) of rule 1—

(a) in the opening paragraph, for the word
“committee” the word “council” shall be
substituted; and

(b) in clause (d), for the word “date” in
the first place where it occurs, the word “dates”
shall be substituted and for the words “the date
for presentation of nomination papers,” the
words “the various dates for the presentation of
nomination papers” shall be substituted.

(2) In sub-rule (2) of rule 2, for the words
“on the date” in the 2nd sentence, the words
“or any of the dates” shall be substituted.

(3) For sub-rule (7) of rule 3, the following
sub-rule shall be substituted, namely:—

“(7) No nomination paper shall be received after
the appointed time at the last of the dates
appointed for the presentation of nomination
papers.”

(4) In sub-rule (1) of rule 5—

(a) for the words “On or before the date
appointed for the presentation of nomination
papers,” the words “(1) or before the time of pre-
sentation of his nomination paper or papers” shall be
substituted; and

(b) for the words “an *Adi Dravida*” in both
the places where they occur, the words “a member
of the specified caste,” shall be substituted.

(5) For sub-rule (3) of rule 6, the following
sub-rule shall be substituted, namely:—

“(3) If no nomination paper is received within
the time appointed in that behalf in exercise of any
power by whom or on whose behalf the deposit
required in sub-rule (1) has been made, or if the
nomination of any such person is received, or if he
withdraws his candidature in the manner and within
the time specified in sub-rule (1) of rule 6, the
deposit shall be returned to the person by whom it
was made, and if any candidate dies before the com-
mencement of the poll, any such deposit, if made
by him, shall be retained in his legal representa-
tive or if not made by the candidate, shall be
returned to the person by whom it was made.”

(6) In sub-rule (3) of rule 6, before the words
“is not elected,” the words, figures and brackets
“applies his candidature under sub-rule (3) of
rule 6, or if he” shall be inserted.

(7) For sub-rule (8) of rule 6 and the Explan-
ation thereto, the following sub-rule shall be sub-
stituted, namely:—

“(8) Notwithstanding anything contained in
sub-rule (3) of rule 6, where deposits have been made
by or on behalf of a candidate in respect of two
or more wards, not more than one of the deposits
shall be retained and the remainder shall be re-
turned to the candidate named.”

(9) In sub-rule (3) of rule 6, for the words
“claim character as preferred,” the words “claim
character as preferred or not by him to the Election
Officer” shall be substituted.

(10) In sub-rule (2) of rule 6, before the words
“also equally,” the words “(1) a poll is found to
be necessary, shall” be inserted.

(11) For sub-rule (2) of rule 6, the following
sub-rule shall be substituted, namely:—

“(2) If a poll is found to be necessary, the
Election Officer shall arrange to mark nomination sub-
ject to such directions as may be issued by the
Principal Commissioner in that behalf, any of the
following colours, namely, red, green, blue and
white or whose the number of nomination papers
has, the colour assigned and in addition thereon,
purple and each other distinctive colour (except
black) as the Election Officer may determine.”

(12) For rule 7, the following rule shall be
substituted, namely:—

“(7) Any candidate who withdraws his
candidature by notice in writing signed by him
and delivered to the Election Officer at any time
after the presentation of his nomination paper or

(2) In sub-rule (2) of rule 8, before the words "also apply," the words "if a poll is held" be inserted.

(3) For sub-rule (1) of rule 8, the following sub-rule shall be substituted, namely:—

"(1) If a poll is held it is necessary, the Election Officer shall arrange to send candidates, notices to each candidate in any way issued by the Provincial Government, in that behalf, one of the following orders, namely, (a) given, then and before or when the number of candidates exceeds four, the notices enclosed and in addition thereto partly and each other delivered when (b) single leaf, to the Election Officer may determine."

(4) For rule 9, the following rule shall be substituted, namely:—

"9. Any candidate may withdraw his candidature by notice in writing, signed by him and delivered to the Election Officer in any form when the presentation of his nomination paper or papers and taken back more than 2 weeks in this document on the next day but not exceeding that specified for the return of nominations. Where the notice is delivered by the candidate himself to the Election Officer, the candidate's signature on the notice shall be attested by a person authorized to attest validly."

"(2) At any time when a poll is held, a candidate may also withdraw his candidature by notice in writing signed by the candidate and delivered by him personally to the Election Officer after the closing hour of the withdrawal indicated in sub-rule (1) but at least seven days before the date appointed for the poll is held the election returns to be a direct ballot and at least three clear days before the date appointed for the poll is held the election returns to be a postal ballot."

"A withdrawal under this sub-rule may be made on any day before the afternoon of the last day for each withdrawal."

Explanation.—Withdrawal under this sub-rule will entail forfeiture of the deposit made by or on behalf of the candidate.

(3) The Election Officer, on receiving a notice of withdrawal under sub-rule (1) or sub-rule (2), shall, as soon as may be, cause a notice of the withdrawal to be published in the manner prescribed in sub-rule (1) of rule 8 and in the case of a direct ballot, also in the manner prescribed in sub-rule (2) of that rule; and where the withdrawal is under sub-rule (2), the Election Officer shall withhold any statement of such withdrawal in all other candidates who have not withdrawn their candidatures."

(4) A candidate who has withdrawn his candidature under sub-rule (1) or sub-rule (2) shall not be allowed to contest the withdrawal or to be re-nominated in a candidate for the same election."

(5) For rule 10A, for the words, figures and brackets "a candidate who has been fully nominated and has not withdrawn his candidature or the nomination and within the time specified in sub-rule (1) of rule 8," the words, figures and brackets "a candidate whose name appears in the list of valid nominations published under rule 8 withdrawing his candidature under sub-rule (1) of rule 8 or," and for the words "upon being notified" shall be substituted the words "upon receipt of such withdrawal or upon being notified as to the contents of such withdrawal, as the case may be," shall be substituted.

(6) For rule 10, for the third sentence beginning with the words "On each ballot paper," the following sentence shall be substituted, namely:—

"On every ballot paper each mark as may be directed by the Election Officer shall be stamped across the perforation between the ballot paper and the enclosure in such a manner that the mark falls partly on the ballot paper and partly on the enclosure."

(7) For sub-rule (2) of rule 10, the following sub-rule shall be substituted, namely:—

"(2) Immediately before any ballot paper or papers are delivered to the elector:—

(a) The number, name and description of the elector as stated in the electoral roll shall be called out; and

(b) in case the elector resides in a parsonage, the polling officer shall point to the enclosure as in the form of the enclosure, as the case may be, the name and number of the elector as in the electoral roll."

The polling officer shall then detach the ballot paper or papers from the enclosure and immediately deliver the same to the elector. The polling officer shall also place a mark on a copy of the electoral roll against the number of the elector to denote that he has received the ballot paper or papers and with no reference to the particular ballot paper or papers which he has received."

(8) In sub-rule (1) of rule 10, the words "elector," the words "his name" shall be substituted.

(9) In sub-rule (2) of rule 10, for the words "The Election Officer after circulating such notices as may be necessary," the words "The Election Officer shall immediately circulate such notices as may be necessary and" shall be substituted.

(10) For rule 11A—

(a) in clause (b) of sub-rule (1), for the figures and brackets "12 1/2" the figures "12" shall be substituted; and

(b) after the proviso in sub-rule (1), the following further proviso shall be added, namely:—

"Provided further that a ballot paper shall not be inserted under clause (b) if the Election Officer is satisfied beyond reasonable doubt that the ballot paper has been issued by the polling officer."

(11) For rule 12, after sub-rule (3) the following sub-rule shall be added, namely:—

"(4) If any difficulty arises as to the holding of any election under these rules, the Provincial Government may, in order, do anything not inconsistent with these rules, which shall be deemed necessary for the proper holding of the election. Every notice issued under this sub-rule shall be laid before both of the Chambers of the Provincial Legislature at the next meeting."

Great satisfaction is to be expected for the conduct of the Provincial municipal elections and elections to local boards.

For St. George, September 12, 1920
(Sd/-) W. H. H. J.

No. 101.

The following draft of an amendment to the rules for the conduct of elections of municipal councillors published with Local Self-Government Department Notice No. 1247, dated the 24th July 1920, at page 254 of Part I of the Port St. George Gazette, dated the 24th July 1920, as subsequently amended, which is proposed to be in force at the election of the members of the Municipal Council of the Province of Port St. George, is hereby published, as provided by clause (1) of section 204 of the Act, for general information.

Notice is hereby given that the draft will be further provided with effect on such date as the date of publication of the notification and then any suggestion or suggestion which may be received with reference thereto within the time of the period allowed, will be considered by the Government of Madras.

Draft Amendment

For sub-rule (1) of rule 5 of the said rules and the Explanation thereto, the following sub-rule and Explanation shall be substituted, namely:—

(1) At or before the time of presentation of his nomination paper or papers, each candidate wishing to stand for election in a municipal council shall be named or named to be deposited with the Election Officer, in each case in Government preliminary notice of equal value to the market value of the day, a sum of five hundred rupees, if he is a member of the legislative council or a sum of fifty rupees, if he is not a member of such council and a candidate shall be deemed to be duly nominated for any ward in respect of which such deposit has not been made. A separate deposit shall be required in respect of each ward for which the candidate wishes to stand."

Explanation.—The delivery in the Election office of a receipt, from any Government treasury or bank showing the amount paid, for an account, on behalf of the person to or on behalf of a candidate, to the credit of the candidate, or of the amount required to be deposited under this subrule shall be deemed to be a deposit of such amount, subject to the payment of the amount made by or on behalf of such candidate at the time of such delivery.

NO. 545.

The following draft of an amendment to the rules for the conduct of elections of members to local bodies published with Local Self Government Department, Government No. 277, dated the 30th February 1922, in pages 10-11 of Part I, 3 of the Port St. George Gazette, dated the 15th February 1922, is subsequently amended which is proposed to take as evidence of the powers conferred by clause 10 and 11 of subrule (2) of section 110 of the Madras Local Boards Act, 1908 (Madras Act XIV of 1908), is hereby published as required by section 206 of the said Act, for general information.

Notice is hereby given that the draft will be further proceeded with when the rules from the date of publication of this amendment and that any objection or suggestion which may be received with respect thereto before the expiry of the period allowed will be considered by the Government of Madras.

THIRD AMENDMENT.

In rule 8 of part I of the said rules—

(1) for subrule (3) and the Explanation thereto, the following subrule and Explanation shall be substituted, namely:—

"(3) At or before the time of presentation of the nomination paper or papers, such candidate wishing to stand for election to a district board or a parish board shall deposit or cause to be deposited with the Election Officer in cash or in Government promissory notes of legal value at the market rate of the day the sum specified in the accompanying entry in the Table below and no candidate shall be deemed to be duly nominated, for any such election, on the day on which he, in respect of which such deposit has not been made. A separate deposit shall be

required in respect of each entry of the district board or each ward of the parish board, as the case may be, for which the candidate wishes to stand.

Class of local bodies.	Amount of deposit for	
	Members of the district board.	Wards of the parish board.
(1) District boards.	Twenty-five rupees.	Five rupees.
(2) Parish boards with more than five wards.	Five rupees.	Two rupees.
(3) Parish boards with five or less wards.	Two rupees.	One rupee.

Explanation.—The delivery to the Election Officer of a receipt from a Government treasury in the district or from one of the branches of the Imperial Bank of India, Madras, situated in the district, or, in the case of provision in a parish board, from a bank where the parish board has an account, on behalf of the person to or on behalf of a candidate, to the credit of the district board or the parish board, on the day on which the amount required to be deposited under this subrule, shall be deemed to be a deposit of such amount, subject to the payment of the amount made by or on behalf of such candidate at the time of such delivery.

(4) in subrule (2) where the words "district board" occurring at the end, the words "or the parish board, as the case may be" shall be added.

(5) in subrule (3) —

(a) after the words "Part I, George Government," the words "(1) the election officer in a district board or in the office of the parish board, as the case may be, shall be inserted; and

(b) after the words "District board" the words "or the parish board, as the case may be" shall be inserted, and

(c) for subrule (3) the following subrule shall be substituted, namely:—

"(3) Superstating anything contained in subrules (2) and (3), where deposits have been paid by or on behalf of a candidate in cash or in Government promissory notes of legal value at the market rate of the day the sum specified in the accompanying entry in the Table below and no candidate shall be deemed to be duly nominated, for any such election, on the day on which he, in respect of which such deposit has not been made. A separate deposit shall be

L. J. HIGGINS,
Secretary to Government.